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February 16, 2018

Senator Jerry Moran  
Chairman  
Subcommittee on Consumer Protection,  
Product Safety, Insurance, and Data Security

Senator Richard Blumenthal  
Ranking Member  
Subcommittee on Consumer Protection,  
Product Safety, Insurance, and Data Security

Dear Sirs,

Enclosed you will find the requested information and answers concerning the questions that were sent to USA Softball via a letter dated February 2, 2018.

Please feel free to contact us with any further questions.

Respectfully,

Craig A. Cress  
Executive Director  
USA Softball, Inc.

1. **QUESTION:** *What reporting protocols for child and sexual abuse allegations are currently in place to ensure that all reports receive fair, timely, and thorough review by all appropriate parties, including law enforcement?*

**ANSWER:** USA Softball's member handbooks and documentation advise all persons to promptly report all suspicions of child abuse to law enforcement authorities. USA Softball has disciplinary procedures in place that allow for reporting, interim suspension, hearing process and suspension from participation in USA Softball activities upon there being grounds to suspect that person has engaged in child abuse misconduct. USA Softball has implemented SafeSport which provides for mandatory reporting of child abuse issues.

2. **QUESTION:** *Are there special accommodations to account for volunteers that are separately employed by non-NGB institutions, like the case of Dr. Nassar who was employed by MSU, in these reporting practices?*

**ANSWER:** Yes and no. Certain affiliated member organizations are covered by the disciplinary procedure requirements of the NGB --- and certain others are not.

3. **QUESTION:** *Has your organization ever utilized an NDA to enforce confidentiality against any athlete, volunteer, or employee in the past? To the extent possible, please provide all details regarding the justification and circumstances surrounding every individual NDA used by your organization.*

**ANSWER:** No. To the best of the institutional knowledge of those presently in office at the NGB, the NGB has never had occasion to seek enforcement of a non-disclosure agreement against any athlete, volunteer or employee. Please also note that the NGB's employees do regularly sign employee non-disclosure agreements for purposes of protecting confidential commercial information of the NGB. However, NGB has never had occasion to seek enforcement of those obligations against any such employee.

4. **QUESTION:** *Has your organization ever utilized additional binding agreements other than NDAs with athletes under your purview? To the extent possible, please provide all details regarding the justification and circumstances surrounding every individual agreement used by your organization.*

**ANSWER:** To the extent this question concerns child abuse issues, the answer is: No, to the best of the institutional knowledge of those presently in office at the NGB. However, as to non-child abuse issues, the NGB does require a national team member to sign a Player Agreement in which the player agrees to anti-doping policies, the Athlete Code of Conduct, time commitments to participate on the National Team, release of a player's likeness or image with respect to Team matters, expense reimbursement policies, and other matters and issues relating to participation in National Team activities.

5. **QUESTION:** *Since the recent lawsuits filed against USOC, USAG, and MSU for organizational failures to investigate, discipline, or remove Dr. Nassar after complaints of sexual abuse, has your organization taken any additional steps to improve transparency, efficiency, and effectiveness of its criminal misconduct reporting mechanisms?*

**ANSWER:** Yes, USA Softball has taken additional steps by fully implementing the Center for SafeSport requirements of mandatory reporting, Center for SafeSport jurisdictional control, and mandatory education and processes as it relates to sexual abuse complaints.

6. **QUESTION:** Please identify any circumstances in which USOC did not take any action following a report of criminal behavior from your organization. To the extent possible, please provide all details regarding the justification and circumstances involved in USOC's decision not to act.

**ANSWER:** None known, to the best of the institutional knowledge of those presently in office at the NGB.

7. **QUESTION:** *In 2017, USOC engaged with a third-party consultant to assess compliance with SafeSport policies and procedures within USOC and all of its NGBs and High Performance Management Organizations (HPMO)5. Please describe the report issued for your organization, including any recommendations necessary for full compliance. If additional recommendations were issued, what actions were taken by your organization? Are there any remaining recommendations that your organization has yet to fully implement?*

**ANSWER:** The Report asked USA Softball to update its SafeSport related documentation and policies, which the NGB has done. The only recommendation not fully implemented at this time is the ongoing enrollment of coaches in the NGB ACE Education Program. A system has now been put in place that will assure compliance with SafeSport requirements when individual ACE coaches renew their education for the new season. The NGB's four recommendations and status updates are as follows:

- a) **RECOMMENDATION 1: (Athlete Safety Standards - Reporting and Grievance Processes)** USA Softball must update their SafeSport-related documentation and administrative materials to include a grievance process as documented in the Athlete Safety Standards.

**RESPONSE:** USA Softball updated its education and training SafeSport-related documentation and administrative materials to address the recommendation.

**Follow-up Status: Implemented**

- b) **RECOMMENDATION 2: (Athlete Safety Standards - Criminal Background Checks and Education and Training Testing)** USA Softball must require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent

contact with athletes complete criminal background checks and education and training requirements in a timely manner and before they have contact with athletes to provide assurance that they are educated on the requirements of the Athlete Safety Standards. USA Softball must consistently track and verify criminal background checks and education and training requirements are met for all Required Individuals. USA Softball should review the testing results and require all necessary individuals to complete the necessary requirements (i.e., criminal background check and/or education and training).

**RESPONSE:** USA Softball is actively working to ensure and monitor that all required individuals have completed SafeSport training.

**Follow-up Status: In Process**

- c) **RECOMMENDATION 3: (Athlete Safety Standards - Criminal Background Checks and Education and Training Policy Requirements)** USA Softball's SafeSport policy must require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes complete criminal background checks and education and training requirements in a timely manner and before they have contact with athletes to provide assurance that they are educated on the requirements of the Athlete Safety Standards.

**RESPONSE:** USA Softball updated its education and training SafeSport-related documentation and administrative materials to address the recommendation.

**Follow-up Status: Implemented**

- d) **RECOMMENDATION 4: (Athlete Safety Standards - Application of the SafeSport Policy (Minors))** USA Softball's SafeSport policy must require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes complete criminal background checks and education and training requirements in a timely manner and before they have contact with athletes to provide assurance that they are educated on the requirements of the Athlete Safety Standards.

**RESPONSE:** USA Softball updated its background check and SafeSport-related documentation and administrative materials to address the recommendation.

**Follow-up Status: Implemented**